IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Crl.MC.No. 3637 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.7206/2006 Dated 10/01/2007

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PETITIONER: ACCUSED NO.4:

V.B. MOHAMMED KUTTY, S/O. BAPPU,
RESIDING AT VATTAPARAMBIL HOUSE, P.O. KADANGODU,
VIA. KUNNAMKULAM, THRISSUR DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT/STATE:

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1. SUB INSPECTOR OF POLICE,
KONDOTTY POLICE STATION, KONDOTTY,MALAPPURAM DIST.

2. SUPERINTENDENT OF POLICE,
CRIME BRANCH, PALAKKAD.

3. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY DGP. SRI.P.G.THAMPI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON 07/12/2007 PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 3637 OF 2007

Dated this the 7th day of December, 2007

O R D E R

The petitioner, whose passport has been surrendered before the learned Magistrate, makes his prayer again that the passport may be released to him to enable him to undertake a journey in connection with his business to Dubai. The learned Public Prosecutor submits that the investigation in the crime is complete. But final report has not been filed and the investigator is waiting necessary sanction form the Government of India in respect of one of the accused. In the circumstances, I am satisfied that the petitioner can be permitted to undertake the journey and the passport can be returned to him subject to appropriate conditions. The learned Director General of Prosecutions, who has himself appeared before this court, opposes the application on the ground that there is a possibility that the petitioner may abscond. I am satisfied that subject to identical conditions which were imposed on the petitioner as per order dated 13.9.07 in Crl.M.C.2812/07, the passport can be directed to be released to him now also.

2. In the result, this petition is allowed. The passport of the petitioner, which is now kept in the custody of the learned Magistrate,

shall be released to him on the following terms and conditions:-

(i) The petitioner shall execute a bond for Rs.10,00,000/- (Rupees ten lakhs only) with two solvent sureties each for the like sum to the satisfaction of learned Magistrate , undertaking to produce the passport back before the learned Magistrate within 30(thirty) days from the date of its release. In the bond he should specifically undertake to do the same.

(ii) The petitioner shall furnish to the learned Magistrate address of the person in India to whom notice issued by the learned Magistrate must be served to intimate him of any further proceedings in the case.

(iii) In the facts and circumstances of the case, the learned Magistrate must scrupulously insist and ensure that the sureties offered are sufficient and solvent.

(iv) The date on which the petitioner leaves India shall be intimated to the Investigating Officer as also the date on which he returns to India and surrenders the passport before the learned Magistrate .

(R.BASANT, JUDGE)

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